

REMARKS

In the Official Action of January 30, 2008 the Examiner objected to the drawings as including undesirable shadowing on some drawing figures; objected to the specification because the Abstract was more than 150 words; rejected Claims 26–35 as not being patentable subject matter under 35 U.S.C. 101; rejected Claims 26–35 under 35 U.S.C. 103(a) as being unpatentable over Polat et al U.S. Patent 6,876,758; and indicated that Claims 36–45 were allowable.

The allowance of Claims 36–45 is noted with appreciation. It is believed that the foregoing amendments, when considered in the light of the discussion below, will attend to all the other objections raised by the Examiner and will place the application in condition for allowance. Favorable reconsideration of the application is therefore respectfully requested in the light of these amendments and the following remarks.

Re the Drawings

As indicated above, the drawings were objected to because some of the drawings include shadow. However, it is to be noted that those figures which appear to include “shadow” are actually illustrations of various task images produced in implementing the invention. Those figures are actually the same or similar to task images appearing in U.S. Patent 6,876,758, the main reference cited in the present application. Those drawings apparently were considered as being permissible, probably as necessary, in the description of the invention in that cited reference; and for the same reasons, it is submitted that they are also permissible in the present application.

Re the Abstract

The enclosed new Abstract shortens the original Abstract such as to comply with the requirement that it does not exceed 150 words.

Re the Rejection Under 35 U.S.C. 101

Favorable reconsideration of this rejection of Claims 26–35 is respectfully requested.

These claims are directed to a method of improving the visual perception ability of a patient with respect to a particular eye condition. Such methods are clearly patentable subject matter under 35 U.S.C. 101 as evidenced by the fact that similar method claims were allowed in the main reference U.S. Patent 6,876,758 (method Claims 16–22). Moreover, such a method is somewhat analogous to a method for the therapeutic treatment of the human body, which has consistently been held patentable subject matter in the U.S.

The Examiner referred to a Decision involving a “mere arrangement of printed matter” as not being a “manufacture” under 35 U.S.C. 101. The Decision held that a mere arrangement of printed matter is not patentable subject matter under 35 U.S.C. 101, but rather is copyrightable subject matter under the US Copyright Laws. It is not seen that this Decision has any relevancy to the method of the present application.

Re the Rejection under 35 U.S.C. 103

Claims 26–35 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Porat et al U.S. Patent 6,876,758. It is to be noted, however, that Claim 26 involves applying to at least one eye of the person in the treatment phase, training glasses with reduced refraction for the respective eye. It is not seen that this feature is disclosed in the

cited reference, and therefore it is believed that original Claim 26 is allowable for the same reasons as independent apparatus Claim 36, which was found allowable.

Nevertheless, Claim 26 has been amended in order to more clearly bring out this feature, and it is therefore submitted that Claim 26 is also allowable for the same reasons as Claim 36.

The remaining Claims 27–35 all depend from Claim 26, and are therefore submitted to be patentable with that claim, apart from the further features set forth in the respective dependent claims.

In view of the foregoing, it is believed that the application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin D. Moynihan".

Martin D. Moynihan
Registration No. 40,338

Date: March 19, 2008